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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,083	08/06/2001	Akira Shimazu	450100-03438	1494
20999	7590	11/16/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			VAN HANDEL, MICHAEL P	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/923,083	Applicant(s) SHIMAZU ET AL.	
	Examiner Michael Van Handel	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-6, 9, 10** are rejected under 35 U.S.C. 102(e) as being anticipated by Arsenault et al.

Referring to claims **1, 4, and 9**, Arsenault et al. discloses a video information reproducing apparatus/method (col. 1, l. 63-66)(Fig. 2) in a Near Video On Demand system in which the same program is distributed in a plurality of channels for a predetermined time difference (col. 11, l. 9-12)(Fig. 6), the video information reproducing apparatus having a record means 232 (col. 6, l. 55-60) recording in advance forefront data of the program for the predetermined time difference (col. 11, l. 25-34)(Figs. 7A, 8A), a digital signal reproduction means 230 (col. 6, l. 66-67)(col. 7, l. 1) reproducing the forefront data of the predetermined time difference recorded in the record means (col. 11, l. 45-47), a memory means (buffer memory) which can perform data writing and data reading in parallel (col. 6, l. 60-66), and a control means 210 (col. 7, l. 6-9) executing control in which the forefront data is reproduced by the digital signal reproduction means when the program is selected, data following the forefront data is written in the memory means during the reproduction of the forefront data, and the

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following data is read from the memory means to be outputted continuously after the forefront data (col. 11, l. 45-55)(col. 12, l. 8-20)(Fig. 7B), wherein a time information extract means extracting time information in which the program is provided, and when the program is altered, the data recorded in the record means is recorded over again onto the forefront data of the altered program, employing the time information obtained in the time information extract means as a standard (the examiner notes that Arsenault discloses altering indicators that identify VOD services and that information can be included in a program guide that indicates when the recording of a pre-stored segment should commence. Therefore, if a program were altered, the program provider would indicate that the pre-stored segment should be recorded over)(col. 15, l. 40-67)(col. 16, l. 1-5, 25-44).

Referring to claims 2 and 5, Arsenault et al. discloses the video information reproducing apparatus as set forth in claims 1 and 4, respectively, wherein the time information obtained in the time information extract means is employed as time information of the control means (col. 16, l. 3-5).

Referring to claims 3, 6, and 10, Arsenault et al. discloses the video information reproducing apparatus as set forth in claims 1, 4 and 9, respectively, wherein the control means detects that the program is altered through schedule information distributed by one channel among the plurality of channels and extracts time information by the time information extract means based upon the detection result to alter the program (this limitation is met in the claim 1 citations above).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arsenault et al.

Referring to claims 7 and 8, Arsenault et al. discloses the video information reproducing apparatus as set forth in claim 4, wherein the recording medium is comprised of a hard disk and wherein the time information obtained in the time information extract means is employed as time information of the control means (this limitation is met in the claim 2 citations above). Arsenault et al. also discloses retrieving data from a pre-stored segment and storing subsequent data in parallel using separate disk drives or memories (col. 11, l. 55-56). Arsenault et al. does not disclose that the forefront data is recorded on a predetermined area of the hard disk so that the forefront data recorded in the predetermined area and data following the forefront data are seamlessly reproduced from the hard disk at the time of reproduction. The examiner takes Official Notice that it is well known within the prior art to utilize different areas of a hard disk for different purposes as though they were separate hard disks. It would have been obvious to one of ordinary skill in the art to replace the separate disk drives of Arsenault et al. with a single hard disk with designated areas for different purposes such as that taught by the prior art in order to limit the cost of a television receiver.

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*Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel  
Examiner  
Art Unit 2617.

MVH

  
CHRIS KELLEY  
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